Justice Dept. Weighs Criminal Investigation of U.S. Archivist

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The Justice Department said yesterday that it is considering a criminal investigation of the archivist of the United States for potential conflicts of interest and thus may not be able to "adequately represent" him in a civil suit over the same controversy.

As a result, officials at Justice said yesterday evening, Archivist Don W. Wilson has hired a private attorney.

The dispute involves Wilson's approval Jan. 19 of an agreement giving George Bush "exclusive legal control" of computerized records of his presidency. Wilson subsequently announced that he is leaving the government to become executive director of the George Bush Center at Texas A&M University, raising questions about whether he had a conflict of interest in signing the records agreement.

The controversial agreement involving the Bush White House's computer records was signed in the face of a lawsuit by private plaintiffs who had been seeking much of the same data under the Freedom of Information Act and fighting the Bush administration's attempts to destroy the material. The plaintiffs, including the nonprofit National Security Archive and its founder, Scott Armstrong, won a favorable ruling in federal district court here Jan. 6, but the government appealed, paving the way for the agreement with Bush. Bush signed it Jan. 20, a few hours before President Clinton was sworn in.

Wilson was scheduled to be deposed in the lawsuit at 1 p.m. today by attorneys from Public Citizen, representing the private litigants.

Late yesterday, the Justice Department filed a motion in U.S. District Court here, asking for a stay in the deposition "because of significant developments occurring in the past week."

Three Democratic senators, John Glenn (Ohio), David Pryor (Ark.) and Joseph I. Lieberman (Conn.), called in writing for a Justice Department investigation of a "possible conflict of interest" on Wilson's part. They charged that Wilson had been engaged in talks about a job at the George Bush Center for Presidential Studies "at least" since last Election Day.

"We believe that the agreement between Archivist Wilson and former president Bush may have been conducted at less than arms length," the senators wrote.

In yesterday's motion to the judge in charge of the case, Charles R. Richey, acting Attorney General Stuart M. Gerson and Civil Division lawyers from Justice said they "may not be in a position to adequately represent Mr. Wilson with respect to matters falling within the purview of a possible investigation by the Public Integrity Section [an arm of the Criminal Division]."

In asking for a stay of today's deposition, they also proposed that acting deputy archivist Ray Mosley be deposed March 6 in Wilson's place since Mosley is "fully conversant" with the situation.

Richey last evening rejected the Justice Department request. He said he had "no knowledge of any criminal investigation" warranting the protective order being sought and refused to relieve Wilson from today's deposition. If it takes place, Wilson will presumably be represented by his private counsel.

Wilson could not be reached for comment, but he has said he "had no role in the negotiations" leading up to the agreement. Mosley told a House Appropriations subcommittee yesterday that he and two other Archives officials handled the details. The subcommittee chairman, Rep. Steny H. Hoyer (D-Md.), said he felt Wilson still should have disqualified himself.